

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES T. SULLIVAN, etc.,)	No. 06 C 5125
)	
Plaintiff,)	Judge John W. Darrah
)	
v.)	Magistrate Judge Denlow
)	
CROSS PLUMBING CO., an Illinois corporation,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

NOW COMES Plaintiff, JAMES T. SULLIVAN, etc., by his attorneys, DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, and LISA M. SIMIONI, with LEWIS, OVERBECK & FURMAN, LLP, of counsel, and, pursuant to Order entered January 17, 2007, moves the Court to enter Judgment in favor of Plaintiff and against Defendant, CROSS PLUMBING CO., in the amount of \$21,942.60. In support hereof, Plaintiff states:

1. On September 21, 2006, Plaintiff filed his Complaint, pursuant to ERISA, 29 U.S.C. §§ 1132 and 1145, and LMRA, 29 U.S.C. § 185, and the Collective Bargaining Agreements ("CBA"), to obtain an audit and recover all unpaid contributions, interest, liquidated damages, professional fees, and court costs owed to Funds.
2. On September 28, 2006, Defendant was served with a copy of the Summons and Complaint. A true and correct copy of the Return of Service is attached hereto as Exhibit A.

3. Pursuant to Fed. R. Civ. P. 12(a)(2), Defendant was required to answer and appear on or before October 18, 2006.

4. On January 17, 2007, the Court found Defendant in default and ordered Defendant to produce its books and records to Plaintiff for an accounting. The Court further retained jurisdiction to enter supplemental judgments in favor of Plaintiff and against Defendant for all contributions, interest, liquidated damage, professional fees and costs due Plaintiff. A true and correct copy of the Court's Order and Minute Order are attached hereto as Group Exhibit B.

5. Plaintiff's certified public accounting firm, Calibre CPA Group, PLLC, conducted an audit of Defendant's books and records and issued a Compliance Report ("Report"). The Report reveals that for the period January 1, 2006, through March 31, 2007, Defendant failed to report and pay amounts due under the CBA on 589.81 hours of work. A true and correct copy of the Report is attached as Exhibit C.

6. Based on the Audit and ERISA, 29 U.S.C. §1132, Plaintiff's damages are:

\$8,991.25 -	Unpaid contributions per ERISA, 29 U.S.C. §1132(g)(2)(A), and §9.8 of CBA
\$1,733.74 -	Interest on unpaid contributions per ERISA, 29 U.S.C., §1132(g)(2)(B), and §9.8 of CBA, which includes \$1,329.13 set forth in Report + \$134.87/month for the period 5/16/07 to 7/18/07
\$3,467.48 -	Statutory double interest per ERISA, 29 U.S.C. §1132(g)(2)(C)
\$719.30 -	Liquidated damages per §9.8 of CBA
\$5,606.08 -	Attorneys' fees and costs per §1.6 of CBA and ERISA, 29 U.S.C. §1132(g)(2)(D), through current (see Affidavit of Douglas A. Lindsay, attached as Exhibit D)

\$1,424.75 -

Audit costs per §1.6 of CBA and 29 U.S.C. §1132(g)(2)(E)
(see Affidavit of Steven Felke, attached as Exhibit E)

\$21,942.60-

Total due as of 7/18/07

WHEREFORE, Plaintiff, JAMES T. SULLIVAN, etc., requests the Court to enter Judgment in favor of Plaintiff and against Defendant, CROSS PLUMBING CO. in the amount of \$21,942.60, and to award such other and further relief in favor of Plaintiff and against Defendant as the Court deems just. A draft Order is attached as Exhibit F.

JAMES T. SULLIVAN, etc., by his attorneys,
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and LISA M. SIMIONI

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